

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 DHA-02

/058 W

-----030546 113739 /21

R 021452Z MAR 77

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 3649

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E.O. 11652: N/A

TAGS: PINT, PGOV, CI

SUBJECT: STATE OF SIEGE IN CHILE

REF: 76 SANTIAGO A-146

1. WE WISH TO FLAG THE POSSIBILITY THAT MARCH 11, OR A DAY OR TWO BEFORE OR AFTER, MAY BRING A CHANGE IN THE LEVEL OF THE STATE OF EMERGENCY IN CHILE. ON SEPTEMBER 11, 1975, THE GOC DECREED A STATE OF SIEGE AT THE LEVEL OF INTERNAL DEFENSE (THE THIRD HIGHEST OF FOUR LEVELS). THIS WAS A SLIGHT AND ESSENTIALLY MEANINGLESS REDUCTION FROM THE SECOND LEVEL, IN FORCE SINCE A YEAR AFTER THE 1973 COUP. UNDER THE 1925 CONSTITUTION, SUCH A STATUS CAN BE MAINTAINED FOR ONLY SIX MONTHS; BUT THERE IS NO BAR TO RENEWAL BY CONGRESS (THE JUNTA TOOK OVER LEGISLATIVE POWERS). THE PRESENT LEVEL WAS RENEWED MARCH 11 AND SEPTEMBER 11, 1976, AS IT EXPIRED, AND IT WILL EXPIRE AGAIN MARCH 10. WE CAN EXPECT THAT THE GOC ON MARCH 11 WILL EXTEND THE STAT OF EMERGENCY, PERHAPS AT A LESS STRINGENT LEVEL.

2. ALMOST SIMULTANEOUSLY, THE GOVERNMENT HAS TO DECREE ENABLING LEGISLATION FOR THE NEW CONSTITUTIONAL ACT NO. FOUR ON SYSTEMS OF EMERGENCY (REPAIR -- DUE WITHIN 180 DAYS OF SEPTEMBER 13, 1976, WNNEN MOST OF ACT NO. FOUR BECOMES EFFECTIVE). WE DO NOT KNOW
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HOW DETAILED THE NEW LEGISLATION WILL BE, BUT IT MAY LAY OUT LEVELS WITHIN THE BROAD CATEGORIES OF STATES OF EMERGENCY (OF SIEGE, DEFENSE AGAINST SUBVERSION, OR OF CALAMITY). IF THE ENABLING LEGISLATION IS NOT READY, WE ASSUME THE GOC WILL HAVE TO AMEND THE CONSTITUTIONAL ACT TO GIVE ITSELF MORE TIME FOR DRAFTING.

3. THE GOC MAY OPT TO ABANDON THE STATE OF SIEGE FOR A "STATE

OF DEFENSE AGAINST SUBVERSION," WHICH ACT NO. FOUR PRESCRIBES DURING A SITUATION OF "LATENT SUBVERSION." AS PROVIDED IN THE ACT, THE PRESIDENT AT THIS LEVEL HAS SIGNIFICANTLY LESS DISCRETIONARY POWER, ALTHOUGH IF HE CONSIDERS IT NECESSARY TO PREVENT "THE MATERIALIZATION OF SUBVERSION," HE MAY EXTEND HIS POWERS ALMOST TO THOSE OF THE STATE OF SIEGE.

4. THE GOC MAY CHOOSE TO ANNOUNCE ANY CHANGE AS PART OF A MAJOR, PROBABLY PRESIDENTIAL, POLICY STATEMENT. IT HAS DONE SO BEFORE. BUT WE ARE NOT AWARE OF ANY SPECIFIC PREPARATIONS AT THIS TIME.

POPPER

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Message Attributes

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